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Counsel for 120 Orchard LLC, 427 Orchard LLC, FT Orchard LLC and Marc Realty

## UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA (Richmond Division)

In re:	*	Chapter 11
	*	_
CIRCUIT CITY STORES, INC., et al.,	*	Case No. 08-35653 (KRH)
, , ,	*	,
Debtors.	*	(Jointly Administered)

JOINDER OF LANDLORD IN LIMITED OBJECTION TO ORDER PURSUANT TO 11 U.S.C. SECTIONS 105(A), 365(A) AND 554 AND FED. R. BANKR. P. 6006 AUTHORIZING REJECTION OF UNEXPIRED LEASES AND SUBLEASES OF NON-RESIDENTIAL REAL PROPERTY AND ABANDONMENT OF PERSONAL PROPERTY EFFECTIVE AS OF THE PETITION DATE (DKT. NO. 277)

Landlord, 120 Orchard LLC, 427 Orchard LLC and FT Orchard LLC (collectively, "Landlord") by and through its undersigned counsel, hereby joins in the Golf Galaxy, Inc. limited objection to the Debtors' Motion for Order Pursuant to 11 U.S.C. Sections 105(a), 365 (a), and 554 and Fed. R. Bankr. P. 6006 Authorizing Rejection of Unexpired Leases of Nonresidential Real Property and Abandonment of Personal Property Effective as of the Petition

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Date (the "Rejection Motion"), with respect to the Premises and the Prime Lease (as each of

these terms is defined below), and in any other objection to the Rejection Motion consistent

therewith, and in support, respectfully states as follows:

1. Landlord is the lessor, and Circuit City Stores, Inc. ("Debtor") is the lessee under

that certain lease agreement dated September 13, 1995, by assignment dated January 30, 2002

(together, the "Prime Lease"), for the premises located at 4381 Golf Road, Skokie, Illinois (the

"Premises").

2. Debtor has not paid Landlord base rent and CAM charges due under the Prime

Lease for the (post-petition) period November 10, 2008 through November 30, 2008 in the pro-

rated amount of \$55,626.72. Under the Prime Lease, base rent and CAM charges for the month

were due November 1, 2008. Upon information and belief, the Debtor was paid at least a portion

of the monthly rent, estimated real estate taxes and CAM charges due from its sublessees on or

before November 1, 2008.

3. Despite continued use and occupancy of the Premises, neither the sublessees nor

Debtor has paid Landlord for rent and CAM charges due for November 10-30, 2008 (or for

November 1-9, 2008).

4. Landlord reserves all rights, including, but not limited to, its rights under 11

U.S.C. §§ 365 and/or 503.

Wherefore, Landlord respectfully requests that the Court enter an order that is consistent

with the concerns raised herein, and that grants Landlord such additional and further relief as the

Court may deem just and proper.

/s/ John G. McJunkin

John G. McJunkin, (VSB No. 31011)

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## /s/ Colleen E. McManus

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 24th day of November, 2008, I caused a true and correct copy of the foregoing Joinder of Landlord in Limited Objection to Order Pursuant to 11 U.S.C. Sections 105(a), 365(a) and 554 and Fed. R. Bankr. P. 6006 Authorizing Rejection of Unexpired Leases and Subleases of Non-Residential Real Property and Abandonment of Personal Property Effective as of the Petition Date (Dkt. No. 277) to be served by electronic means on the "2002" and "Core" lists and through the ECF system.

/S/	John G.	McJunkin	